

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMENDED JOINT MOTION FOR COMPETENCY EVALUATION

The United States and Defendant Eric Garcia respectfully moves the Court for an order under 18 U.S.C. § 4241 for a competency evaluation of Mr. Garcia to be performed by Dr. Alexander Paret. In support they state:

1. A federal grand jury returned an indictment against Mr. Garcia for one count of Second-Degree Murder in violation of 18 U.S.C. § 1111. Doc. 17.
2. On March 16, 2021, Mr. Garcia moved for and the Court granted a request for a competency evaluation to be conducted by Dr. Julie Brovko. Docs. 10, 12.
3. After conducting her review, Dr. Brovko opined that Mr. Garcia may have cognitive deficits that impacted his competency abilities, but she could not determine if they were genuine. She recommended inpatient evaluation of Mr. Garcia so that additional data could be collected. Doc. 18.
4. On June 3, 2021, the Court held a hearing on competency, and Mr. Garcia requested a second local competency evaluation by Dr. Alexander Paret. The United States orally opposed raising the issue of delay. The Court requested the parties to confer and file their positions by Friday, June 11, 2021. Doc. 21.

5. The parties conferred and, upon Mr. Garcia's representation through counsel that he believes a second local evaluation by Dr. Alexander Paret can be accomplished relatively swiftly, the United States does not object to an evaluation conducted by Dr. Alexander Paret.

6. Payments up to 30 hours, at a rate of \$175.00 per hour, are necessary to provide fair compensation for investigation by Dr. Alexander Paret.

For the foregoing reasons, the parties request that the Court order an evaluation of Mr. Garcia for a competency determination to be conducted by Dr. Alexander Paret.

Respectfully submitted,

Electronically filed on July 2, 2021
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AND

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Electronically approved on July 1, 2021
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I HEREBY CERTIFY that I filed the foregoing electronically through the CM/ECF system, which caused counsel for the Defendant to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Lucas B. Babycos
LUCAS BABYCOS
Counsel for Defendant

